

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on December 7, 2015.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS  
HELD AT WYOMING CITY HALL

November 2, 2015

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present:    Beduhn            Burrill            Buist    Lomonaco  
                                 Palmer            VanderSluis

Members absent:    Postema            Meeter

A motion was made by Palmer, and seconded by Lomonaco to excuse Postema.

Motion carried:        6 Yeas            0 Nays

Other official present:        Tim Cochran, City Planner  
   Karen Oppeneer, Deputy Assessor

A motion was made by Palmer, and seconded by Beduhn to approve the minutes of the October 19, 2015 Board of Zoning Appeals meeting.

Motion carried:        6 Yeas            0 Nays

PUBLIC HEARING:

Appeal #V150048                    P.P. #41-18-19-302-035

Richard Postema Associates

150 Burt St. S.W.

Zoned R-3

The application requesting four variances from the City of Wyoming Zoning Code was read by Secretary Lomonaco as follows:

Zoning Code Section 90-891 requires properties in this R-3 Residential District to be a minimum of 8,400 square feet in area, a minimum of 65 feet in width, and residences shall have a minimum 30 foot rear yard setback. Zoning Code Section 90-892 (22) requires nonresidential uses to have a 25 foot minimum side yard setback. The petitioner proposed to divide the existing Community CRC church property into two lots, with one lot surrounding the existing single family residence. The proposed residential lot would be 4,615 square feet in area, have a 61 foot lot width, and would have a rear yard setback of 18 feet 2 inches. The church would have a side yard setback of 10 feet from the proposed lot. The requested variances were a reduction of 3,785 square feet from the required lot area of 8,400 square feet; a reduction of 4 feet from the required lot width of 65 feet; a reduction of 11 feet 10 inches from the required rear yard setback of 30 feet, and a reduction of 15 feet for the required 25 foot side yard setback for the church building.

Chairman VanderSluis opened the public hearing.

Rick Postema, Richard Postema Architects, described the variance request as unusual, as the variance has nothing to do with how the property is used. The variance would set boundaries for tax purposes between the tax exempt property and the rental income property. In order for the church to continue to use the existing house as a rental unit and pay appropriate taxes, the property needs to be split. In approximately 2012 the church members discussed an expansion for classroom use. The church purchased the adjoining property with the existing house. Mr. Postema referred to an aerial view of the prior lot dimensions and the current lot dimensions as submitted. They needed a portion of the lot to construct the addition. Mr. Postema then referred the Board members to a date line of events. A site plan was submitted to the City with the house remaining on the lot. Variances were required as a stipulation of the site plan approval. It was always the church's intent to keep the house and use it for rental income. He does not remember how much of this information was communicated to the City or the Zoning Board of Appeals at the time, nor if the tax status was even discussed. As they proceeded with submitting plans for a building permit, they also submitted a request to join the two lots. The church was then informed by the City's Assessor's office that when the two lots were combined, they could only have one tax class. To remain tax exempt, they would no longer be able to use the house for rental income. Losing the rental income is economically harmful to the church. The requested variance would allow them to split the property with the house off from the church property, and they could continue to use the house for rental income. Nothing changes if the variance is granted. If the variance is denied, the church has no other use for the house, and the house will most likely sit vacant. If there was to split the property without a variance they would. If the Board was concerned the house would be sold separately at some time, the church would be willing to have a stipulation or add a deed restriction to require both properties remain in single ownership.

Pastor Dave Struk, 6609 Culpepper S.E., Grand Rapids, MI 49508 spoke about the church's ministry, and its relationship to the neighboring community. Many of their members are residents of the area. They also work with the community's school system, and they provide services for other residents in the area. He submitted a signed petition in support of the request.

Beth Baker, 136 Wilbur said the variance should be approved. The rental income helps the support ministries.

Tamra Poll, 343 Janet, said the church needs the rental income to support their ministries. The neighborhood surrounding the church is economically poor.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran said Mr. Postema had explained the situation well. While he cannot address the tax issue, from a zoning standard a variance would allow this proposed lot to be half the size of what is required by the Zoning code. There could be other uses for the existing residential

structure, or the house could be removed. Staff does not think the situation warrants a variance. Economic hardship is not a viable option for granting a variance. Chairman VanderSluis had the fact confirmed that the church had expanded, and the two lots had been combined, and now is looking for a variance to split the property again.

A motion was made by Lomonaco and seconded by Beduhn that the request for a variance in application no. V150048 be denied, accepting staff's Finding of Facts.

Burrill agreed that the lot split is not a good idea but thought there should be way for the church to be allowed to use the existing house for rental property.

Karen Oppeneer, Deputy Assessor , said there was no provision in the State Law for the City to allow a property with rental income to have tax exemption.

Chairman VanderSluis said the Board of Zoning Appeal was not the authority to address the legality of tax status for the property. There may be other options the church may pursue; however wanting to make money to support the church is not a legal reason to grant a variance. The Board of Zoning Appeals does not have the authority to grant variances based on monetary basis.

Motion carried:        5 Yeas        1 Nays (Palmer)

\*\*\*\*\*

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

---

Canda Lomonaco  
Secretary

CL:cb